

IN THE UTAH COURT OF APPEALS

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In the interest of M.M., a	)	MEMORANDUM DECISION
person under eighteen years of	)	(Not For Official Publication)
age.	)	
_____	)	Case No. 20070272-CA
	)	
M.M.,	)	F I L E D
	)	(May 24, 2007)
Appellant,	)	
	)	2007 UT App 176
v.	)	
	)	
R.M. and W.M.,	)	
	)	
Appellees.	)	

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Third District Juvenile, Salt Lake Department, 463684  
The Honorable Andrew A. Valdez

Attorneys: Brian L. Hart, Salt Lake City, for Appellant  
Joseph Lee Nemelka, Salt Lake City, for Appellees  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Bench, McHugh, and Thorne.

PER CURIAM:

M.M. (Mother) appeals the termination of her parental rights in her child, M.M. Mother challenges the sufficiency of the evidence supporting the juvenile court's findings.

In reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118 (quotations and citation omitted). A juvenile court's findings of fact will not be overturned unless they are clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Further, we give the juvenile court a "'wide latitude of discretion as to the judgments arrived at' based upon not only the court's opportunity to judge credibility firsthand, but also

based on the juvenile court judges' 'special training, experience and interest in this field.'" Id. (citation omitted).

Mother argues that there was insubstantial evidence to support terminating her parental rights. The juvenile court found that Mother's parental rights should be terminated for several reasons, including abandonment, unfitness, and failure to correct the conditions that led to the child's removal. See Utah Code Ann. § 78-3a-407(1)(a),(c), (d) (Supp. 2006). Under Utah Code section 78-3a-407(1), the finding of any single ground is sufficient to warrant termination of parental rights. See id. § 78-3a-407(1) (providing that the court may terminate all parental rights if it finds any one of grounds listed); see also In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting that any single ground is sufficient to terminate parental rights). Accordingly, if any one of the grounds found by the juvenile court to terminate Mother's parental rights is supported by the record, such ground is sufficient to warrant termination of Mother's parental rights.

Mother did not attend the parental termination trial. Accordingly, the evidence was presented by way of proffer. The juvenile court originally removed the child from Mother's custody in 2005 and placed the child in the custody of Mother's parents (the Grandparents). This removal was based upon the court's findings that Mother regularly used controlled substances, that she did not have stable housing or employment, and that the child's father was physically abusive to Mother. After obtaining custody over the child, the juvenile court ordered Mother to submit to a psychological examination, undergo random drug testing, and obtain drug treatment. Mother failed to undergo psychological testing. She did enroll in a drug treatment program on at least three occasions; however, Mother checked herself out each time without completing the program. Furthermore, after the juvenile court placed M.M. in the Grandparents' custody, Mother only contacted the child a few times over a period of a year and a half. She also failed to provide any support payments for the child. There was no evidence that Mother was making any strides toward becoming a competent parent, nor was there any evidence that she had obtained stable housing or employment. This evidence supports the juvenile court's determination that Mother substantially neglected, willfully refused, or was unable or unwilling to remedy the circumstances that caused the child to be removed and there was a substantial likelihood that Mother would not be able to exercise effective parental care in the near future. See Utah Code Ann. § 78-3a-407(1)(d).

The record similarly supports the juvenile court's determination that it was in the child's best interest for

Mother's parental rights to be terminated. See id. § 78-3a-406(3) (Supp. 2006) (stating that prior to terminating a person's parental rights, the court must determine if termination is in the best interest of the child). The child has lived with the Grandparents for nearly two years. She has a strong bond with the Grandparents who are meeting all of her physical, emotional, and financial needs. Grandparents also intend to adopt the child. On the other hand, Mother has contacted the child only a few times since the child was placed in the Grandparents' custody. She has failed to pay any financial support to the Grandparents during this time. Further, there is no evidence that Mother will be able to exercise proper parental care anytime in the near future. Under these circumstances, the juvenile court did not abuse its considerable discretion in determining that terminating Mother's parental rights was in the best interest of the child.

Affirmed.

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Russell W. Bench,  
Presiding Judge

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Carolyn B. McHugh, Judge

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William A. Thorne Jr., Judge